

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications)
and Energy on its own Motion into the Appropriate Pricing,)
based upon Total Element Long-Run Incremental Costs, for)
Unbundled Network Elements and Combinations of)
Unbundled Network Elements, and the Appropriate) D.T.E. 01-20
Avoided Cost Discount for Verizon New England, Inc.)
d/b/a Verizon Massachusetts' Resale Services in the)
Commonwealth of Massachusetts)

LATE FILED PETITION FOR LEAVE TO INTERVENE OF
FREEDOM RING COMMUNICATIONS d/b/a BAYRING COMMUNICATIONS,
THE ASSOCIATION OF COMMUNICATIONS ENTERPRISES
and XO MASSACHUSETTS, INC.

Pursuant to 220 CMR § 1.03(1) of the Rules of Practice and Procedure of the Department of Telecommunications and Energy ("Department"), **FREEDOM RING COMMUNICATIONS d/b/a BAYRING COMMUNICATIONS, THE ASSOCIATION OF COMMUNICATIONS ENTERPRISES and XO MASSACHUSETTS, INC.** (the "Joint Petitioners") by the undersigned counsel, hereby petition for leave to intervene as a party in this docket. In support of this petition, the Joint Petitioners state as follows:

1. Freedom Ring Communications d/b/a BayRing Communications, with a principal place of business at 11 Manchester Square, Portsmouth, New Hampshire 03801-2888,

is a CLEC, authorized to provide, and intending to provide local exchange services in Massachusetts in the very near future.

2. The Association of Communications Enterprises ("ASCENT"), with a principal place of business at 1401 K Street, NW, Suite 600, Washington DC 20005. ASCENT is a national trade association representing over 700 telecommunications service providers and their suppliers, including nineteen Massachusetts members engaged in providing a variety of value-added interexchange, local wireless, and enhanced telecommunications services. Several ASCENT members are authorized by the Commission to provide interexchange and local telecommunications services within Massachusetts.

3. XO Massachusetts, Inc., with a principal place of business at 1505 Farm Credit Drive, McLean, Virginia 22102, is a CLEC, authorized to provide, and currently providing, local exchange services in Massachusetts.

4. Because the Joint Petitioners rely or will be relying on Verizon's wholesale services and network elements to provide services to their own customers, this proceeding is of critical importance to the Joint Petitioners. This proceeding, through its determination of wholesale rates to be charged by Verizon for access to unbundled network elements ("UNEs") or combinations of UNEs, as well as the rates to be charged by Verizon for the resale of existing services, will have a direct and substantial impact on the Joint Petitioners' business operations.

5. Each of the Joint Petitioners' rights will be substantially and specifically affected by the outcome of this proceeding. Therefore, their interests cannot be adequately represented without the Department granting this petition.

6. Due to the unavailability of the relevant personnel for authorizing a petition to intervene during the relatively short time between learning of this proceeding and the intervention filing deadline, it was not possible for ASCENT, BayRing and XO to make timely filings of a Petition to Intervene. However, the intervention of each of ASCENT, BayRing and XO will not adversely affect or prejudice any party or the conduct of the proceeding, particularly as no procedural schedule has even been set yet. In no event will their participation delay the proceeding and they may well be able to present perspectives or raise issues that will benefit the full adjudication of the issues in this proceeding. Finally, in recent proceedings concerning matters of general import to the Massachusetts telecommunications marketplace, such late-filed petitions to intervene have often been allowed. *See e.g.* D.T.E. 98-57 (Conversent Communications, Digital Broadband Communications, and Z-Tel Communications).

WHEREFORE, for the foregoing reasons, Freedom Ring Communications d/b/a BayRing Communications, The Association of Communications Enterprises and XO Massachusetts, Inc. each request that it be granted leave to intervene as a party in this proceeding.

Respectfully submitted,

FREEDOM RING COMMUNICATIONS d/b/a

BAYRING COMMUNICATIONS

THE ASSOCIATION OF COMMUNICATIONS

ENTERPRISES

XO MASSACHUSETTS, INC.

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